

1 THE HONORABLE THOMAS S. ZILLY
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 FAN WANG and HANG GAO,
10 Individually and on Behalf of All Others
11 Similarly Situated,

12 Plaintiffs,
13 v.
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ATHIRA PHARMA, INC., a Delaware
Corporation, and LEEN KAWAS,

15 Defendants.
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CASE NO.: 2:21-cv-00861-TSZ

**STIPULATION AND ORDER TO
EXTEND TIME TO RESPOND TO
THE COMPLAINT AND VACATE
DISCOVERY DEADLINES**

**STIPULATION AND ORDER TO EXTEND TIME
TO RESPOND TO THE COMPLAINT**
2:21-cv-00861-TSZ

WILSON SONSINI GOODRICH & ROSATI, P.C.
701 Fifth Avenue, Suite 5100
Seattle, WA 98104-7036
Tel: (206) 883-2500
Fax: (206) 883-2699

STIPULATION

In accordance with Local Civil Rules 7(d)(1) and 10(g), Plaintiffs Fan Wang and Hang Gao (“Plaintiffs”), individually and on behalf of all others similarly situated, and Defendants Athira Pharma, Inc. and Dr. Leen Kawas (together “Defendants”), by and through their undersigned counsel, submit the following Stipulation and ask the Court to enter an order consistent with this Stipulation:

1. WHEREAS, on June 25, 2021, Plaintiffs, individually and on behalf of all others similarly situated, filed a Class Action Complaint for Violations of the Federal Securities Laws against Athira Pharma and Dr. Kawas, in the above-captioned matter (the “Complaint”);

2. WHEREAS, on June 25, 2021, two substantially similar Class Action Complaints for Violations of the Federal Securities Laws were filed against Athira Pharma and related defendants in this District by plaintiff Harshdeep Jawandha, No. 2:21-cv-00862-JCC (the “Jawandha Action”) and plaintiffs Timothy Slyne and Tai Slyne, No. 2:21-cv-00864-JLR (the “Slyne Action”);

3. WHEREAS, Plaintiffs sent a request to waive service of a summons in the above-captioned matter to Defendant Athira Pharma on July 21, 2021, which Athira Pharma returned on the same day, making Athira Pharma's current deadline to respond to the Complaint September 20, 2021, and Plaintiffs sent a request to waive service of a summons in the above-captioned matter to Defendant Dr. Leen Kawas on July 23, 2021, which Dr. Kawas returned on the same day, making Dr. Kawas' current deadline to respond to the Complaint September 21, 2021;

4. WHEREAS, on June 30, 2021, the Court entered an Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (Dkt #4) in the above-captioned matter setting August 16, 2021 as the deadline for the FRCP 26(f) Conference and August 30, 2021 as the deadline for initial disclosures pursuant to FRCP 26(a)(1) and the filing of a Combined Joint Status Report and Discovery Plan pursuant to FRCP 26(f) and LCR 26(f);

5. WHEREAS, this action is governed by the provisions of the Private Securities Litigation Reform Act of 1995, Pub. L. 104-67, 109 Stat. 737 (the "PSLRA"), 15 U.S.C. §78u-4

1 *et seq.*, and the parties anticipate that this action will be consolidated with the Jawandha and Slyne
2 Actions, a Lead Plaintiff will be appointed, and the Lead Plaintiff will file a consolidated complaint
3 superseding the previously filed complaints, including the Complaint;

4 6. WHEREAS the filing of initial disclosures and a discovery plan would be
5 premature because all discovery, including initial disclosures, in this action is subject to the
6 discovery stay provisions of the PSLRA. *See* 15 U.S.C. § 78u-4(b)(3)(B) (“all discovery and other
7 proceedings shall be stayed during the pendency of any motion to dismiss, unless the court finds
8 upon the motion of any party that particularized discovery is necessary to preserve evidence or to
9 prevent undue prejudice to that party”); and

10 7. WHEREAS, the parties agree that efficiency for the Court and the parties in
11 proceeding under the PSLRA dictates that responding to the current Complaint should be deferred.

12 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the
13 parties, subject to the approval of this Court, that:

14 1. In the interests of judicial economy and preserving the resources of the parties and
15 the Court, the parties agree that no answer, motion, or other response to the Complaint shall be
16 due until after a Lead Plaintiff is appointed, Lead Counsel is approved, and Lead Plaintiff has had
17 the opportunity to prepare or designate a post-appointment consolidated complaint, provided that
18 Defendants do not otherwise respond to the complaint in the Jawandha or Slyne Actions or a
19 complaint in any other class action lawsuit in this District arising under the PSLRA asserting the
20 same or substantially the same claims against the same Defendants prior to the appointment of
21 Lead Plaintiff and approval of Lead Counsel.

22 2. Defendants shall not waive any rights, arguments, or defenses by waiting to answer,
23 move, or otherwise respond to the Complaint pursuant to this Stipulation.

24 3. After the appointment of Lead Plaintiff and approval of Lead Counsel, pursuant to
25 15 U.S.C. § 78u-4(a)(3)(B), Lead Plaintiff and the Defendants shall promptly meet and confer
26 regarding a schedule for the filing of a consolidated complaint or designation of an operative
27 complaint, and a briefing schedule for Defendants’ anticipated motion(s) to dismiss.

s/ Kim D. Stephens
Kim D. Stephens, WSBA #11984
Cecily C. Shiel, WSBA #50061
TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, WA 98101
Telephone: (206) 682-5600
Facsimile: (206) 682-2992
Email: kstephens@tousley.com
Email: cshiel@tousley.com

Liaison Counsel for Plaintiffs

BLOCK & LEVITON LLP

Jeffrey C. Block, *pro hac vice forthcoming*
Jacob A. Walker, *pro hac vice forthcoming*
Nathaniel Silver, *pro hac vice forthcoming*
260 Franklin Street, Suite 1860
Boston, Massachusetts 02110
Telephone: (617) 398-5600
Facsimile: (617) 507-6020
Email: jeff@blockleviton.com
Email: jake@blockleviton.com
Email: nate@blockleviton.com

Counsel for Plaintiffs

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ORDER

IT IS SO ORDERED.

Dated this 26th day of July, 2021.

Thomas S. Zilly
United States District Judge

Presented by:

Gregory L. Watts, WSBA #43995

John C. Roberts Jr., WSBA #44945

Tyre L. Tindall, WSBA #56357

WILSON SONSINI GOODRICH & ROSATI, P.C.

701 Fifth Avenue, Suite 5100

Seattle, WA 98104-7036

Telephone: (206) 883-2500

Facsimile: (206) 883-2699

Email: gwatts@wsgr.com

Email: jroberts@wsgr.com

Email: ttindall@wsgr.com

Attorneys for Defendant Ath

Attorneys for Defendant Athira Pharma, Inc.

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